IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI JUSTICE C.V.RAMULU
WRIT PETITION NO : 23502 of 1998

Between:
Ch. K. Chakravarthy, s/o V. Rama Murthy, aged about 29 years, Ex-employee of A.P.S.I.D.C., Sangareddy, resident of Sangareddy,Medak District.

..... PETITIONER

AND

1. The Presiding Officer, Labour Court-II, Andhra Pradesh, Hyderabad.
2. The Executive Engineer, A.P.S.I.D.C., Sangareddy Division, Sangareddy, Medak District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari, or any other appropriate Writ, order or direction calling for the records pertaining to Award No.29 of 1994, dated 13.11.1997 on the file of the first respondent and as published in G.O.Rt.No.3133, Labour, Employment, Training and Factories (Lab.I) Department, dated 29.11.1997 and quash the same as illegal, arbitrary, unjust and unconstitutional, being violative of Articles 14 and 21 of the Constitution of India and is also violative of principles of natural justice, in so far as the petitioner is concerned, by holding that the petitioner is entitled for reinstatement with continuity of service with full back wages from the date of termination till the date of reinstatement.

Counsel for the Petitioner: MR.P.RAGHAVENDER REDDY

Counsel for the Respondent No.1: None appeared

Counsel for the Respondent No.2: MR.TADDI NAGESWARA RAO (SC for APSIDC)

The Court made the following :

ORAL ORDER:

The Government by its G.O.Rt.No.298, dated 03.02.1994 referred the dispute of 17 workers of Andhra Pradesh State Irrigation Development Corporation Limited (for short A.P.S.I.D.C) with its management to the Labour Court-II, Hyderabad by framing the following issues;

1) Whether the Executive Engineer, APSIDC, Sangareddy District is justified in retrenching the 17 employees (mentioned in the reference) with effect from 31.07.1992?
2) If not to what relief they are entitled to?

Out of 17 petitioners before the Labour Court, only the petitioner No.5 therein filed the present writ petition aggrieved by the award passed by the Labour Court in I.D.No.29 of 1994, dated 13.11.1997. It is brought to my notice that the other 16 petitioners have not filed any writ petition against the award passed by the Labour Court.

It seems, earlier two Writ Petition Nos.10237 of 1992 and 11224 of 1992 were filed before this Court challenging the retrenchment of workers of APSIDC in view of the circulars of its head office dated 20.07.1992. However, the said writ petitions were disposed of permitting the management to retrench the services of workmen who had put in less than 3 years of service. The present writ petition is offshoot of implementation of said decision of this Court.

The only dispute seems to be not exactly as to the retrenchment, but as to the regularization of the services of 17 workmen. The Labour Court gave a categorical finding that though there was no retrenchment as on 31.07.1992, there was dispute as to the retrenchment as on 22.09.1992. However, it was found that so far as retrenchment dated

22.09.1992, is concerned the management has followed the procedure as required under law and retrenched them after putting them on one month's notice as well as paying compensation as required under section 25 of the Industrial Disputes Act. To this extent, there is no dispute whatsoever. The only dispute before the Labour Court is as to the regularization of services of the petitioner under Ex.W-5. The petitioner claims that his name was recommended for regularization and in spite of regularizing his services, his services were terminated with effect from 22.09.1992. It was asserted before the Labour Court that the workers who had put in less than three years of service were retrenched as per the permission granted by this Court after following the due procedure as envisaged under section 25 of the Industrial Disputes Act. Whereas, the learned counsel for the petitioner submits that once the services of many of his juniors were regularized, the services of the petitioner, though recommended for regularization under Ex.W-5, were not regularized, and therefore once having recommended for regularization the question of retrenching him from service does not arise. The Labour Court in this regard found that there is no iota of evidence to show that the juniors to the petitioners therein were taken into service, so, the claim of the petitioners for reinstatement on the ground that the juniors to them in service were continuing in service was without any substance. Further, insofar as this writ petitioner was concerned (5th petitioner in I.D.No.29 of 1994), it was observed that he was not on better footing than the other petitioners in the I.D.No.29 of 1994 because he failed to show that his juniors were taken in service or he is having more than three years of service etc.

I see no reason to interfere with the Award passed by the Labour Court as neither any illegality nor irregularity is brought to the notice of this Court and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

09.09.2004

Nsr

To
1.The Presiding Officer, Labour Court-II, Andhra Pradesh, Hyderabad.
2.The Executive Engineer, A.P.S.I.D.C., Sangareddy Division,
Sangareddy, Medak District.
3 Two CD copies.